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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant:** Charles E. Boyer

**Serial No.** 10/713,247

**Filed:** November 13, 2003

**For:** HIGH-SECURITY CARD AND  
SYSTEM

**Examiner:** Caputo, Lisa M.

**Group Art Unit:** 2876

**Docket No.** VER0015/US

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Mary C. Deutsch  
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APPEAL BRIEF

Dear Sir or Madam:

This Appeal Brief is submitted in support of the Appeal from the Final Rejection mailed August 24, 2005 in the above-identified patent application. Enclosed is a fee in the amount of \$250.00 for filing the Appeal Brief and \$60.00 for a one month extension of time. The Appellants have previously indicated and maintain small entity status.

A Notice of Appeal was submitted by Certificate of Mailing on February 21, 2006. Two-months from Office date of receipt of the Notice of Appeal is April 27, 2006. It is believed that a one month extension of time is required in order for this paper to be timely filed. If any further extension period is required in order for this paper to be timely filed, Applicant requests an extension for such additional time period and authorizes the appropriate fee(s) therefore, and any other fee(s) that are required in connection with the filing of this Appeal Brief, to be charged to the Kagan Binder Deposit Account No. 50-1775. Please notify the firm of Kagan Binder, PLLC of any charges to said deposit account.

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**I. Real Party in Interest**

The real party in interest is Veritec, Inc. having a place of business at 2445 Winnetka Avenue North, Golden Valley, Minnesota 55427.

## **II. Related Appeals and Interferences**

There are no related appeals or interferences.

### **III. Status of Claims**

Claims 1, 4-8, and 16 are pending.

Claims 2, 3, and 9-15 are cancelled.

No claims are allowed.

Claims 1, 4-8 and 16 stand rejected as being unpatentable over Brewington (U.S. Patent Application Publication No. 2004/0117627) as applied under 35 U.S.C. sections 102 and 103 within multiple different grounds of rejection as set out in greater detail below.

The rejection of claims 1, 4-8 and 16 is the subject of this appeal.

**IV. Status of Amendments**

No Amendment has been submitted subsequent to the Final Office Action dated August 24, 2005.

## V. Summary of Claimed Subject Matter

*Parenthetical citations in this section refer to the Applicant's specification.*

A high-security transaction card (pg. 7, lines10-17; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b) including account representation information for an entity (FIG. 2a, 280a; FIG. 2b, 280b; FIG. 3a, 280a; and FIG. 3b, 280b), is claimed. The high-security transaction card comprises a card body having a perimeter and at least one face (pg. 7, lines18-20; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b). The high-security card also comprises at least one two-dimensional binary information symbol comprising a symbolic representation of coded data including the account representation information for the entity and, said at least one symbol being located within said perimeter of said card body on said at least one face (pg. 8, line5 – pg. 10, line 22; FIG. 2a, 280a; FIG. 2b, 280b; FIG. 3a, 280a; and FIG. 3b, 280b). The account representation information for the entity that is coded in the two-dimensional binary information symbol is not otherwise represented in human readable form on the card body so that account identification can only be made by decoding the two-dimensional binary information symbol (pg. 10, lines13-22; pg. 11, lines 13-18; pg. 12, lines 5-9; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b).

The high-security card (pg. 7, lines10-17; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b) may also comprise disposable materials for use as an economical, disposable identification card (pg. 11, lines 2-9).

The high-security card (pg. 7, lines10-17; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b) may further comprise library patron account information encoded in the two-dimensional binary information symbol for use as a library patron identification and circulation control card (pg. 12, lines 10-17).

The high-security card (pg. 7, lines10-17; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b) may also comprise building access user identification information encoded in the two-dimensional binary information symbol for use as a building access card (pg. 12, lines 10-17).

The high-security card (pg. 7, lines 10-17; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b) may also comprise patient account information encoded in the two-dimensional binary information symbol for use as a medical information and patient history card (pg. 12, lines 10-17).

Also claimed is a high-security card system (pg. 12, lines 18-21; FIG. 4, 400). The high-security card system comprises at least one high-security card (pg. 7, lines 10-17; pg. 12, lines 21-22; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b; FIG. 4, 300a) including at least one of account representation information and user identification information for an entity (FIG. 2a, 280a; FIG. 2b, 280b; FIG. 3a, 280a; and FIG. 3b, 280b), said high-security card including (i) a card body having a perimeter and at least one face (pg. 7, lines 18-20; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b), and (ii) at least one two-dimensional binary information symbol comprising a symbolic representation of coded data including at least one of account representation information and user identification information for the entity and, said at least one symbol being located within said perimeter of said card body on said at least one face (pg. 8, line 5 – pg. 10, line 22; FIG. 2a, 280a; FIG. 2b, 280b; FIG. 3a, 280a; and FIG. 3b, 280b). The at least one of the account and user identification information for the entity that is coded in the two-dimensional binary information symbol is not otherwise represented in human readable form on the card body so that at least one of the account and user identification can only be made by decoding the two-dimensional binary information symbol (pg. 10, lines 13-22; pg. 11, lines 13-18; pg. 12, lines 5-9; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b). The system also comprises at least one card reader, said reader being responsive in use to said at least one symbol of said at least one high-security card and generating a signal indicative of said symbol (pg. 12, lines 20-22; pg. 13, lines 16-17; FIG. 4, 410). Further, the system comprises at least one decoder, said decoder being capable of (i) receiving said signal from said at least one card reader, and (ii) converting said signal into a human-readable authentication display, which authentication display could not be made based upon information otherwise represented in human discernable form on the card body (pg. 12, line 23-pg. 13, line 2; pg. 13, lines 18-19; FIG. 4, 430).



A high-security identification card including identity information for a particular entity (pg. 7, lines10-17; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b), is further claimed. The high-security identification card comprises a card body having a perimeter and at least one face (pg. 7, lines18-20; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b). The high-security identification card also comprises at least one two-dimensional binary information symbol comprising a symbolic representation of coded data including the identity information for the particular entity and, said at least one symbol being located within said perimeter of said card body on said at least one face (pg. 8, line5 – pg. 10, line 22; FIG. 2a, 280a; FIG. 2b, 280b; FIG. 3a, 280a; and FIG. 3b, 280b). The identity information for the particular entity that is coded in the two-dimensional binary information symbol is not otherwise represented in human discernable form on the card body so that identification of the particular entity can only be made by decoding the two-dimensional binary information symbol (pg. 10, lines13-22; pg. 11, lines 13-18; pg. 12, lines 5-9; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b).

**VI. Grounds of Objection and Rejection to be Reviewed on Appeal**

- A. Whether claims 1, 4, 8, and 16 are patentable under 35 U.S.C. 102(e) over the Brewington reference.
- B. Whether claims 5-7 are patentable under 35 U.S.C. 103(a) over the Brewington reference.

## VII. Argument

### A. Rejection under 35 U.S.C. §102(e) over the Brewington Reference Claims 1, 4, 8 and 16

In the Final Office Action, claims 1, 4, 8, and are rejected as anticipated by published US patent application 2004/0117627 to Brewington (assigned to Xerox) and filed in December of 2002.

The Brewington reference discloses a security system in the form of a validation system for documents or cards wherein a digital image signature is created from a portion of the document information, and the digital image signature is printed on the document in a form such as a two-dimensional bar code along with visually discernable document information. The validation system of Brewington requires that not only is a digital image signature displayed on the document or card, but the document information from which the encoded digital image information was derived {for example, from a picture, signature, or other image signature template boundary (see, e.g., pg. 5, par. [0054], and FIG. 5, reference numeral 58)} must also be included on the document body. As shown and described by Brewington with reference to FIG. 3, both the human discernible image and the encoded digital image signature need to be present for the validation to take place.

In Brewington, a control system derives the image signature from a bit map image of the document (i.e. the systems reads the image in a manner based upon visual discernment) and compares that to the encoded (bar-coded) primary image signature after reading and decoding as part of an authentication process. That is, the image signature (the primary image signature) must be decoded before it can be compared or correlated to the visually determined data (a secondary image signature) as an authentication step. Such a document itself thus must include the visually discernable document information and a portion thereof presented as a code, such as a two-dimensional bar code.

Appellants respectfully submit that not all of the limitations of Appellants claimed invention are taught in Brewington. As represented in Figs. 3a and 3b of the application, the transactional and identification cards comprise the necessary account or identification

information only in encoded form as a two-dimensional binary information symbol. That is, account identification or user identification can only be made by decoding the two-dimensional bar code, there is no other means by which a person could access the encoded information on the card except by decoding the encoded information.

In Brewington discussed above, critical information is provided on the card in human cognizable form with some, all, or more information represented in code form, such as a two-dimensional bar code. Appellants claimed invention is distinct at least in that account or user identification information is encoded in the two-dimensional symbol provided on the card, which information is needed for account or user identification because such information is otherwise not represented in human discernable form on the card. In other words, account or user identification can only be made by decoding the two-dimensional symbol. As such, Appellants respectfully submit that not all of the claim limitations are taught by Brewington.

Accordingly, it is submitted that presently pending claims 1, 4, 8 and 16 are not anticipated by Brewington and are currently in condition for allowance, a notice of which is earnestly solicited.

**B. Rejection under 35 U.S.C. §103(a) over the Brewington Reference  
Claims 5-7**

In the Final Office Action, claims 5-7 are rejected as obvious over published US patent application 2004/0117627 to Brewington (assigned to Xerox) and filed in December of 2002.

The comments made relating to claims 1, 4, 8, and 16 are equally applicable to claims 5-7 because they contain the same limitations as claim 1. For completeness, those arguments have been repeated in this section along with additional comments in support of the patentability of claims 5-7. The Examiner stated that it was obvious to employ the high-security card in the embodiments claimed in claims 5-7. Not only does Brewington fail to teach all of the claim limitations of claims 5-7 as explained below, but combining the embodiments of claim 5-7 with the teachings of Brewington does not produce a high-

security transaction card, rather the combination would result in a card of which its authenticity can be verified.

The Brewington reference discloses a security system in the form of a validation system for documents or cards wherein a digital image signature is created from a portion of the document information, and the digital image signature is printed on the document in a form such as a two-dimensional bar code along with visually discernable document information. The validation system of Brewington requires that not only is a digital image signature displayed on the document or card, but the document information from which the encoded digital image information was derived {for example, from a picture, signature, or other image signature template boundary (see, e.g., pg. 5, par. [0054], and FIG. 5, reference numeral 58)} must also be included on the document body. As shown and described by Brewington with reference to FIG. 3, both the human discernible image and the encoded digital image signature need to be present for the validation to take place.

In Brewington, a control system derives the image signature from a bit map image of the document (i.e. the systems reads the image in a manner based upon visual discernment) and compares that to the encoded (bar-coded) primary image signature after reading and decoding as part of an authentication process. That is, the image signature (the primary image signature) must be decoded before it can be compared or correlated to the visually determined data (a secondary image signature) as an authentication step. Such a document itself thus must include the visually discernable document information and a portion thereof presented as a code, such as a two-dimensional bar code.

Appellants respectfully submit that the differences between Appellants claimed invention and Brewington are both structural and functional in nature. As represented in Figs. 3a and 3b of the application, the transactional and identification cards comprise the necessary account or identification information only in encoded form as a two-dimensional binary information symbol. That is, account identification or user identification can only be made by decoding the two-dimensional bar code; there is no other means by which a person could access the encoded information on the card except by decoding the encoded information. The structural differences between Appellants claimed invention and the Brewington disclosure stem from the fact that the purposes

behind each card/system are different. In Brewington the purpose behind the disclosed card/system is to provide for an indication of the authenticity of the document, whereas Appellant's claimed invention has the purpose of providing a high-security card or document on which the secured information is encoded in a two-dimensional symbol on the card and such information can be read from the card by an appropriate reader but cannot be otherwise discerned from other portions of the card. Therefore, if the document or card were lost, a finder must have the appropriate reader in order to gather any valuable information which may be encoded in the two-dimensional symbol. Thus, not only are Appellant's claim limitations completely missing from Brewington, but there is no motivation or suggestion to combine the teachings of Brewington with ordinary skill in the art because Appellant's claimed invention and the Brewington disclosure solve different problems.

Thus, not only does Brewington not teach all of the claim limitations of claims 5-7, but Brewington combined with teachings of one of ordinary skill in the art does not result in Appellants invention of claims 5-7.

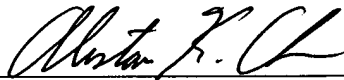
Accordingly, for all of the reasons provided above, it is submitted that presently pending claims 5-7 are not obvious over Brewington and are currently in condition for allowance, a notice of which is earnestly solicited.

**E. Conclusion**

In view of these remarks, it is respectfully submitted that the rejections of claims 1, 4, 8 and 16 under 35 U.S.C. §102(e) and the rejection of claims 5-7 under 35 U.S.C. §103(a) cannot be sustained and that all of the claims are in condition for allowance. Favorable action is requested.

Respectfully Submitted,

Dated: May 30, 2006

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**VIII. Claims Appendix – Pending Claims**

1. A high-security transaction card including account representation information for an entity, comprising:  
a card body having a perimeter and at least one face; and  
at least one two-dimensional binary information symbol comprising a symbolic representation of coded data including the account representation information for the entity and, said at least one symbol being located within said perimeter of said card body on said at least one face,  
wherein the account representation information for the entity that is coded in the two-dimensional binary information symbol is not otherwise represented in human readable form on the card body so that account identification can only be made by decoding the two-dimensional binary information symbol.
4. The high-security card of claim 16, comprising disposable materials for use as an economical, disposable identification card.
5. The high-security card of claim 1, including library patron account information encoded in the two-dimensional binary information symbol for use as a library patron identification and circulation control card.
6. The high-security card of claim 16, including building access user identification information encoded in the two-dimensional binary information symbol for use as a building access card.
7. The high-security card of claim 1, including patient account information encoded in the two-dimensional binary information symbol for use as a medical information and patient history card.
8. A high-security card system, comprising:  
at least one high-security card including at least one of account representation information and user identification information for an entity, said high-



security card including (i) a card body having a perimeter and at least one face, and (ii) at least one two-dimensional binary information symbol comprising a symbolic representation of coded data including at least one of account representation information and user identification information for the entity and, said at least one symbol being located within said perimeter of said card body on said at least one face, wherein at least one of the account and user identification information for the entity that is coded in the two-dimensional binary information symbol is not otherwise represented in human readable form on the card body so that at least one of the account and user identification can only be made by decoding the two-dimensional binary information symbol;

at least one card reader, said reader being responsive in use to said at least one symbol of said at least one high-security card and generating a signal indicative of said symbol; and

at least one decoder, said decoder being capable of (i) receiving said signal from said at least one card reader, and (ii) converting said signal into a human-readable authentication display, which authentication display could not be made based upon information otherwise represented in human discernable form on the card body.

16. A high-security identification card including identity information for a particular entity, comprising:

a card body having a perimeter and at least one face; and

at least one two-dimensional binary information symbol comprising a symbolic representation of coded data including the identity information for the particular entity and, said at least one symbol being located within said perimeter of said card body on said at least one face,

wherein the identity information for the particular entity that is coded in the two-dimensional binary information symbol is not otherwise represented in human discernable form on the card body so that identification of the particular entity

can only be made by decoding the two-dimensional binary information symbol.

## **IX. Appendix - Evidence**

There is no evidence to be included in Appendix IX.

## **X. Appendix - Related Proceedings**

There are no related appeals or interferences.